

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 2, 2010

Lyle W. Cayce
Clerk

No. 09-60746

Summary Calendar

GELMIL H. BARRIOS,

Petitioner

v.

ERIC H. HOLDER, JR., U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A070 431 236

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Petitioner Gelmil H. Barrios petitions for review of the Board of Immigration Appeals's (BIA) determination that he is not entitled to withholding of removal. Barrios contends that he is entitled to withholding of removal because of past persecution and the likelihood of future persecution on account of his political opinion, membership in a particular social group, and religion. Barrios presented evidence that he left Guatemala because of the violence caused by the guerillas and the kidnapping of his uncle.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Barrios did not present religion and membership in a particular social group as bases for withholding of removal to the BIA. Therefore, he failed to exhaust his administrative remedies as to these issues, and we lack jurisdiction to consider them. *See* 8 U.S.C. § 1252(d)(1); *Wang v. Ashcroft*, 260 F.3d 448, 452-53 (5th Cir. 2001).

Barrios has not shown past persecution or the likelihood of future persecution on account of his political opinion. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-83 (1992); *Jukic v. INS*, 40 F.3d 747, 749 (5th Cir. 1994). Accordingly, substantial evidence supports the BIA's determination that Barrios is not entitled to withholding of removal. *See Efe v. Ashcroft*, 293 F.3d 899, 903 (5th Cir. 2002). The petition for review is DENIED.